

REGISTER

South Dakota Legislative Research Council



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A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Tourism and State

Development: State Historical Society:

(November 10, 2003) has filed rules to set standard fees for photographic shipping and handling, and processing and to clarify non-governmental use of the Cultural Heritage Center. The general authority for these rules, as cited by the department, is SDCL 1-18-31.2 and 1-20-21.1.

A public hearing will be held at 9:00 a.m. (CST) on December 12, 2003, at the Cultural Heritage Center, 900 Governors Drive, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Historical Society, 900 Governors Drive, Pierre, South Dakota 57501-2217. Written comments must be received by December 11, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3458 at least 48 hours before the hearing.

Department of Revenue and Regulation:

Commission on Gaming: (November 12, 2003) is proposing rules to adopt a variation of play for STREAK blackjack; add to definitions of slot machine testing, approval, and modifications "on-line monitoring and control system" and "redemption kiosks"; prohibit the sale of slot machines by Deadwood casinos unless purchaser is regulated by gaming agency that has agreement with the South Dakota Commission regarding exchange of information

on licensees and/or applicants; clarify that certain parts and associated equipment can effect and trigger revenue reporting; adding to the definition of associated equipment to include "redemption kiosks" and "on-line monitoring and control systems"; redefine gross revenue to include hand pay credit lockups and vouchers; recognize situations where vouchers are not redeemed; require accounting of the liability associated with vouchers and paper tickets; repeal provisions dealing with unclaimed jackpots and unredeemed vouchers; add cage count provisions to the gaming revenue collection and count schedule audit requirements; and eliminate the requirement that engagement slips be signed by both the owner or trainer and the jockey or jockey's agent. The general authority for these rules, as cited by the commission, is 42-7-56, 42-7B-7, and 42-7B-11.

A public hearing will be held at City Hall, 102 Sherman Street, Deadwood, South Dakota, on Wednesday, December 10, 2003, at 10:00 a.m. (MT). Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 425 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by December 8, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-6050 or (605) 578-3074 at least 48 hours before the hearing.

Department of Game, Fish and Parks:

(November 12, 2003) intends to adopt an EMERGENCY rule to modify the boundaries of

two Black Hills Firearm Elk Hunting Units from December 1, 2003, through December 31, 2003, inclusive. The Units affected are 553-BHG (aka 404A-26) and 553-BHH (aka 404B-28) as contained in ARSD 41:06:26:02. The general authority for this rule, as cited by the department, is SDCL 41-2-18 and 41-6-21.

A copy of the proposed rule may be obtained from the Department of Game, Fish and Parks, 523 East Capitol, Pierre, South Dakota 57501.

Department of Revenue and Regulation:

Appraisers: (November 13, 2003) is proposing rules to describe the appropriate use of titles in advertising, remove the varying requirements for return to active status, update references to the Uniform Standards of Professional Appraisal Practice, and defer continuing education requirements for reciprocal appraisers if they are duly licensed or certified in their state of domicile. The general authority for these rules, as cited by the department, is 36-21B-3.

A public hearing will be held in Room 109, First Floor Conference Room, Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota, on December 4, 2003, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue and Regulation, Legal Division/Rules, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, or by emailing Beth.Christie@state.sd.us. The text of the amended rules will be posted on the Department's website: www.state.sd.us/drr. Written comments must be received by December 15, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-4701 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF HEALTH: 44:04:01:01, 44:04:01:02.01, 44:04:01:04, 44:04:01:07; 44:04:02:08, 44:04:02:17, 44:04:02:22; 44:04:03:02; 44:04:04:07.04, 44:04:04:11; 44:04:05:02; 44:04:06:04, 44:04:06:16; 44:04:07:02, 44:04:07:02.02, 44:04:07:04, 44:04:07:07.01, 44:04:07:08, 44:04:07:10, 44:04:07:14, 44:04:07:15, 44:04:07:16; 44:04:08:03; 44:04:09:06, 44:04:09:07, 44:04:09:09; 44:04:11:10, 44:04:11:11, 44:04:11:11.02, 44:04:11:13; 44:04:12:01, 44:04:12:05; 44:04:13:05, 44:04:13:10, 44:04:13:26, 44:04:13:33, 44:04:13:50; 44:04:15:04; 44:04:18:18, 44:04:18:19, 44:04:18:29, 44:04:18:30; and 44:04:19:03.

History-Notice: 30 SDR 39, Sept. 15, 2003

Hearing: October 23, 2003

Filed: November 14, 2003

Effective: December 4, 2003

Executive Order:

The Governor has signed **Executive Order 2003-09** dated November 10, 2003. Governor Rounds rescinded former Governor Janklow's 1998 Executive Order granting Eric Washburn resident hunting and fishing license privileges. The Order also rescinds any other similar executive orders issued by previous governors.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

11-20-2003	Transportation	Amend rules regarding a permit for mowing
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		non-interstate, non-median highway rights-of-way; 30 SDR 77.
11-21-2003	Human Services: Board of Counselor Examiners	Amend rules regarding continuing education; clarify the intent of an inactive status of a license; adopt an application fee for the continuing education program and increase the examination fee; clarify the intent of SDCL 36-33-9(4); and clarify the supervision requirements; 30 SDR 71.
12-1-2003	Education: Board of Education	Amend rules regarding school bus standards and procedures; 30 SDR 77.
12-1-2003	Education: Board of Education	Amend a rule to require that the Office of Career and Technical Education convene a meeting of the technical directors and an Office of Economic Development staff member to review applications for new or expanded programs prior to their presentation to the State Board of Education; 30 SDR 77.
12-1-2003	Education: Board of Education	Amend rules to remove the current years of experience requirement from the administrator certification program and add a requirement of three years of verified experience in an accredited K-12 school; create an alternative route of certification for administrators; transfer all endorsement programs from ARSD 24:16:08 to a new chapter; and create a principal endorsement program; 30 SDR 78.
12-4-2003	Revenue and Regulation: Appraisers	Amend rules to describe the appropriate use of titles in advertising, remove the varying requirements for return to active status, update references to the Uniform Standards of Professional Appraisal Practice, and defer continuing education requirements for reciprocal appraisers if they are duly licensed or certified in their state of domicile; 30 SDR 84.
12-5-2003	Public Safety: Office of Emergency Medical Services	Adopt and amend rules to define terms and update licensing, personnel, and equipment requirements for ambulance services; 30 SDR 78.
12-10-2003	Revenue and Regulation: Commission on Gaming	Adopt a variation of play for STREAK blackjack; add to definitions of slot machine testing, approval, and modifications "on-line monitoring and control system" and "redemption kiosks"; prohibit the sale of slot machines by Deadwood casinos unless purchaser is regulated by gaming agency that has agreement with the South Dakota

		Commission regarding exchange of information on licensees and/or applicants; clarify that certain parts and associated equipment can effect and trigger revenue reporting; adding to the definition of associated equipment to include "redemption kiosks" and "on-line monitoring and control systems"; redefine gross revenue to include hand pay credit lockups and vouchers; recognize situations where vouchers are not redeemed; require accounting of the liability associated with vouchers and paper tickets; repeal provisions dealing with unclaimed jackpots and unredeemed vouchers; add cage count provisions to the gaming revenue collection and count schedule audit requirements; and eliminate the requirement that engagement slips be signed by both the owner or trainer and the jockey or jockey's agent; 30 SDR 83.
12-11-2003	Agriculture: State Fair	Amend rules to create a definition of "Fair Week" and conform the rules to recent statutory changes which vested control of the State Fair to the Secretary of Agriculture; 30 SDR 78.
12-12-2003	Tourism and State Development: State Historical Society	Adopt and amend rules to set standard fees for photographic shipping and handling and processing and clarify non-governmental use of the Cultural Heritage Center; 30 SDR 83.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, December 2, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting for the remainder of the interim: January 12, 2004.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

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